

No. 11(112)-80-3Lab/7791.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Faridabad in respect of the dispute between the workman and the management of M/s. Aval Scale Industries (P) Limited Sector 27, Faridabad :—

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, HARYANA,
FARIDABAD

Reference No. 87 of 1980

between

SHRI SUBEDAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S AVAL SCALE
INDUSTRIES (P) LIMITED, SECTOR 27, FARIDABAD

Present.—Shri Subedar Singh, workman in person along with Shri P.K. De.
None, for the respondent management.

AWARD

This reference No. 87 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/5-79/9730, dated 25th February, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Subedar Singh, workman and the management of M/s. Aval Scale Industries (P) Limited, Sector 27, Faridabad. The term of the reference was :—

“Whether the termination of services of Shri Subedar Singh was justified and in order ? If not, to what relief is he entitled ?”

After receiving this reference, notices were issued to both the parties. Shri Subedar Singh appeared before this Court on 2nd May, 1980. On the other hand no one was present on behalf of the management. The notice sent to the management has been served on it. The receipt of the notice is on the file and it was ordered by me that *ex parte* proceedings be held against the management on that day and the case was fixed for the *ex parte* evidence of the workman for 23rd May, 1980.

On 23rd May, 1980 the workman appeared before this Court as WW-1. He stated that he was employed in the factory since 7th October, 1978 and was drawing Rs. 250 per month. On 10th October, 1979, he received a telegram from his home and he went to his home after getting his leave sanctioned by the respondent management from 12th October, 1979 to 19th October, 1979. There were holidays from 20th October, 1979 to 22nd October, 1979 on account of Dewali Festival and there was closure of the factory due to power cut on 23rd October, 1979. On 24th October, 1979 when he went to join his duty he was refused by the management to take him on duty. From 24th October, 1979 to 29th October, 1979, he regularly went at the factory gate to take his duty, but the management did not take him on duty. He has further stated that he made a complaint before the Conciliation Officer on 30th October, 1979. Later on on 3rd March, 1980 under the pressure of the union management wrote him to resume duty, which is Exhibit W-1, but when he went to join his duty, he was not allowed to do so. The workman served a demand notice on 30th November, 1979 on the management. The workman stated that the management did not participate in the conciliation proceedings. The workman further stated that he is unemployed from the date of his termination, and demanded that he be reinstated with full back wages.

Keeping in view the circumstances of this case, I see no reason why the unrebutted statement given on oath by the workman should not be relied upon specially when the management chose not to appear and defend this reference before this Court. So relying upon the unrebutted statement of the workman, hold that the termination of the services of the workman, Shri Subedar Singh was unjustified and was also not in order. He is entitled to be reinstated with full back wages and costs.

I answer the reference while returning the same in these terms. Cost of the workman is assessed as Rs. 100.

Dated, the 29th May, 1980.

I. P. CHAUDHARY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 851, dated 31st May, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,
Presiding Officer,
Labour Court Haryana,
Faridabad.